

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

APPROVING AN INTERLOCAL AGREEMENT BETWEEN)
LEWIS COUNTY AND THE CITY OF NAPAVALINE) RESOLUTION # 13-521
REGARDING A LETTER OF MAP REVISION SUBMISSION)

WHEREAS, Lewis County and the City of Napavine are both political subdivisions of the State of Washington, and desire to enter into an Interlocal Agreement pursuant to the Interlocal Cooperation Act, RCW Chapter 39.34 and;

WHEREAS, the Interlocal Agreement is intended to address the party's cooperation in the submission of a Letter of Map Revision (LOMR) to FEMA relating to a portion of the Newaukum River located within the City limits of Napavine; and

WHEREAS, the Board of County Commissioners has had an opportunity to review the Interlocal Agreement, prepared by the City of Napavine and attached; and

WHEREAS, it appears to be in the best public interest to approve and authorize this Interlocal Agreement with the City of Napavine;

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Lewis County hereby approves the attached Interlocal Agreement between Lewis County and the City of Napavine for the purpose of address the party's cooperation in the submission of a LOMR to FEMA.

PASSED IN REGULAR SESSION by the Board of County Commissioners, this 4th day of November, 2013.

APPROVED AS TO FORM:
JONATHAN MEYER, PROS. ATTORNEY


BY: Glenn Carter, Deputy Prosecuting Attorney

ATTEST:

Karri Muir, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


P.W. "Bill" Schulte, Chairman


F. Lee Grose, Member


Edna J. Fund, Member

INTERLOCAL AGREEMENT FOR LETTER OF MAP REVISION (LOMR)

THIS AGREEMENT is made by and entered into between the **CITY OF NAPAVINE, WASHINGTON**, hereinafter referred to as "City", and **LEWIS COUNTY, WASHINGTON**, hereinafter referred to as "County", both political subdivisions of the State of Washington. This Agreement is entered into pursuant to the Interlocal Cooperation Act, RCW Chapter 39.34. This Agreement is intended to address the party's cooperation in the submission of a Letter of Map Revision (LOMR) to FEMA relating to a portion of the Newaukum River located within the City limits of Napavine

RECITALS

- A. A portion of the Newaukum River (the "River") lies within the City limits of Napavine near the Exit 72 Interchange to Interstate 5.
- B. In or about 2006 the Federal Emergency Management Agency ("FEMA") issued draft mapping of the floodway and floodplain of the River lying east of Interstate 5 (the "FEMA Mapping").
- C. Upon reviewing the FEMA Mapping the City believed the Mapping to be in error as it failed to correctly locate the River's floodway and flooding characteristics.
- D. The City desires to identify the correct location and characteristics of the River's floodway through a Letter of Map Revision (LOMR).
- E. The City retained the services of PIE to undertake a study (the "PIE Study") of the River and determine the proper location and characteristics of the floodway and floodplain. PIE has completed its Study and has presented its findings to the City. The City, in turn, has presented the PIE Study to the County.

F. The PIE Study confirms that the FEMA Mapping is in error and that it does not accurately reflect the floodway of the River. The parties believe that the PIE Study correctly identifies the characteristics of the River and its floodway.

G. The PIE Study was subsequently reviewed by the Michael Baker Group ("Michael Baker") on behalf of FEMA. Michael Baker confirmed the accuracy of the PIE Study.

H. The City has applied to FEMA for a LOMR based upon the PIE Study.

I. FEMA has responded to the LOMR application by requesting a concurrence letter from the County for the reason that adjoining properties are within the County's jurisdiction. The County is willing to express its concurrence subject to certain terms and conditions set forth herein.

J. The City is aware that, due to the passage of time, FEMA will require some updating of the PIE Study at the City's expense. It is anticipated that as a result of the time needed for any required updates to the PIE Study, FEMA review of the LOMR, appeal periods, and resulting revisions to the City land use regulations, no land use activity related to filling in the affected area will be granted before December, 2014, but in the event that the LOMR is approved and regulations are enacted sooner than anticipated the City agrees to impose a moratorium on such land use until December, 2014.

K. The parties wish to reduce their Interlocal Agreement to writing; now, therefore,

IT IS AGREED as follows:

1. City shall proceed with its LOMR application. City shall be responsible for all application costs.

2. The County shall provide a concurrence letter satisfactory to FEMA.

3. If necessary the City will impose a moratorium prohibiting the permitting of land use activity related to filling in the affected area prior to December, 2014.

4. City shall protect, save harmless, indemnify and defend, at its own expense, the County, its elected and appointed officials, officers, employees and agents from any actions, suits, liabilities, losses, costs, expenses, damages, or claims for damages of any nature whatsoever arising out of the LOMR.

5. City and the County agree that if a formal disagreement arises between the parties as to the application, effect or interpretation of this Agreement which cannot be reasonably resolved between the parties, they may first refer the matter to dispute resolution as may be agreed upon between the parties.

EXECUTED IN DUPLICATE on the date and year first above written.

CITY OF NAPAVINE, WASHINGTON

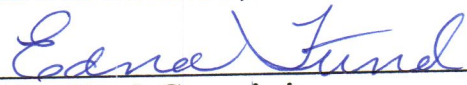
By 
John Sayers, Mayor

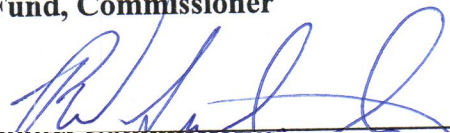
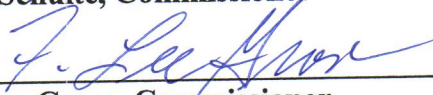
CITY

ATTEST:


Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**


Edna Fund, Commissioner



F. Lee Grose, Commissioner

COUNTY